IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 3779 of 2005

Between:

Appana Hari Naga Venkata Rao

S/o. Late Suryanarayana Murthy
R/o. Visakhapatnam.

..... PETITIONER

AND

1 The Court of the Land Reforms Tribunal at Eluru,

W.G. District.
2 The Authorized Officer, Land Reforms Tribunal,

Eluru, W.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of writ of Mandamus, declaring the action of the respondents in not disposing of the case in L.C.C.No. 1303/ELR/1975 especially IADR No. 635 of 2004 in L.C.C.No. 1303/ELR/1975 on the file of the Ist respondent as being illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to dispose of the same immediately by giving an opportunity of hearing to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.V.PARABRAHMA SASTRI

Counsel for the Respondents:

The Court at the stage of admission made the following:

ORDER:

Seeking Writ of Mandamus, declaring the action of the respondents in not disposing of the case in L.C.C.No.1303/ELR/1975 especially I.A.D.R.No.635 of 2004 in L.C.C.No.1303/ELR/1975 on the file of the 1st respondent, as illegal and arbitrary, the present writ petition is filed.

Petitioner is said to be the owner of the property, which was subject matter of Land Ceiling Case in L.C.C.No.1303/ELR/1975 on the file of the Land Reforms Tribunal, Eluru. It is further stated that since the petitioner under registered sale deed purchases the said property in 1967, and then he attained majority, the property cannot form the subject matter of the holdings of his father. It is also stated that his father late Appanna Suryanarayana Murthy vide L.C.C.No.1303/ELR/1975 filed declaration in respect of the lands that were fallen to his share as per the registered partition deed, vide document No.6254/1957. The petitioner has not filed any declaration under the A.P. Land Reforms as he has no other land and he attained majority by the relevant date i.e. 01.01.1975. The lands in question were not included in the name of his father as the petitioner, being major, was not the member of the family at that time. But due to some mistake, the said lands appear to have been assigned by the Government in favour of some residents of Manuru village. Therefore, the petitioner filed I.A.D.R.No.635 of 2004 in L.C.C.No.1303/ELR/1975 under Rule 16(5) and 16(7) of the A.P.Land Reforms Rules, 1974 and Section 151 of Civil Procedure Code, seeking rectification of the said mistake and it is pending consideration before the 1st respondent for the last two years. Hence the petitioner filed this writ petition.

Heard the learned counsel appearing for the petitioner.

Admittedly, the petition filed by the petitioner in I.A.D.R.No.635 of 2004 is pending disposal before the 1st respondent since about two years. Unless the rectification is effected as claimed by the petitioner, great prejudice will be caused to the petitioner.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the 1st respondent to dispose of I.A.D.R.No.635 of 2004 in L.C.C.No.1303/ELR/1975 within a period of 12 (twelve) weeks from the date of receipt of a copy of this order, after affording opportunity to the parties interested in the said matter.

With the above directions, the Writ Petition is disposed. No order as to costs.

Dated: 13.06.2005

Dsr

Note:

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Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Chairman, Land Reforms Tribunal,

Eluru, West Godavari District

2. The Authorised Officer, Land Reforms

Tribunal, Eluru, West Godavari District

3. Two CD copies

*Form-NIC-OGS/WP{**VSMI**}*